

LYNDI LYNEA VINCENT : 14TH JUDICIAL DISTRICT COURT
VS. NO. 2023-4553 B : PARISH OF CALCASIEU
ACADEMY SPORTS AND OUTDOORS, : STATE OF LOUISIANA
INC. : Craig D Haymon
FILED: DEC 07 2023 : DEPUTY CLERK

PETITION FOR DAMAGES

The petition of LYNDI LYNEA VINCENT, a resident of Calcasieu Parish, Louisiana, of the full age of majority, respectfully represents that:

1.

Made defendant herein is:

(A) ACADEMY SPORTS AND OUTDOORS, INC., a corporation authorized to do and doing business in the State of Louisiana, who may be served through its registered agent for service of process, Corporation Service Company, 450 Laurel Street, 8th Floor, Baton Rouge, LA 70801.

2.

Defendant is justly and truly indebted unto your Petitioner for the following reasons.

3.

The accident described hereinbelow occurred in Calcasieu Parish within the jurisdiction of this Court.

4.

Defendant owns and/or manages the immovable property together with all the improvements, equipment, furniture and fixtures located at 2900 Derek Drive, Lake Charles, LA 70607.

5.

Defendant operates a retail store which sells sporting and outdoor equipment.

6.

At all times pertinent hereto, defendant maintained control, custody, garde and operational control over the retail store and all of the furniture and fixtures therein; particularly the shelving which caused this injury.

7.

On or about October 13, 2023, petitioner, LYNDI LYNEA VINCENT, was a customer at ACADEMY SPORTS AND OUTDOORS, INC.'s store located at 2900 Derek Drive, Lake Charles, Louisiana 70607.

8.

Petitioner asserts that she placed her left hand on a shelf in order to remove an ice chest. At the moment she removed the ice chest, the shelf adjusted and moved in a fashion that caused her left thumb to be trapped between the frame of the shelf and the wire shelf material.



9.

The accident described hereinabove was caused solely and proximately by the gross and flagrant recklessness, carelessness, negligence and fault of the defendant in the following non-exclusive particulars:

- (a) Failing to warn or notify customers of the defective, harmful, dangerous condition;
- (b) Allowing a dangerous condition to exist;
- (c) Failing to hold employees accountable for failing to fulfill their job duties or functions;
- (d) Failing to adopt, implement and/or enforce policies and procedures to protect customers from dangerous, harmful, defective conditions;
- (e) Failing to adopt, implement and/or enforce policies and procedures to ensure employees perform their job duties;
- (f) Failure to properly secure the wire shelf to the frame of the shelf in order to prevent the wire shelf from causing these injuries; and,
- (g) Any other acts of negligence which may be proved at the trial of this matter.

10.

Upon information and belief, the defendant and/or its employees were aware, or should have been aware, of a defect or defects in the shelving, knew or should have known that the wire shelf was not properly secured and defendant failed to take reasonable steps to protect persons such as customers.

11.

As a result of the accident described hereinabove, petitioner, LYNDI LYNEA VINCENT, sustained severe and permanent injuries to her left hand/thumb, including but not limited to, amputation of her left thumb, pain and suffering and negative psychological effects in the form of depression, for which she is entitled to recover an amount to be determined by the Court.

12.

As a result of the accident described hereinabove, petitioner, LYNDI LYNEA VINCENT, has incurred and will continue to incur medical expenses for the treatment of her injuries, which amounts she is entitled to be reimbursed by defendant.

13.

As a result of the accident described hereinabove, petitioner, LYNDI LYNEA VINCENT, has lost wages (past, present and future) and expenses for which she is entitled to be reimbursed by defendants as well as a loss of future earning capacity.

14.

As a result of the accident described herein, petitioner, LYNDI LYNEA VINCENT, has sustained and it is anticipated that they will sustain the following damages:

- a. Physical pain and suffering, past, present and future;
- b. Medical expenses, past, present and future;
- c. Mental anguish, past, present and future;
- d. Distress, worry, and inconvenience;
- e. Lost wages, past, present and future;
- f. Loss of earning capacity;
- g. Loss of enjoyment of life;
- h. Disability;
- i. Any and all other damages which may be proved at a trial of his cause.

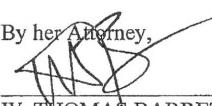
WHEREFORE, petitioner, LYNDI LYNEA VINCENT, prays that:

I. Defendant, ACADEMY SPORTS AND OUTDOORS, INC., be cited and served with a copy of this petition, and required to answer same in accordance with the law;

II. After due proceedings had, there be judgment rendered against defendant, ACADEMY SPORTS AND OUTDOORS, INC., jointly, severally and in solido, and in favor of petitioner, LYNDI LYNEA VINCENT, such amounts as are reasonable in the premises, plus legal interest on all sums awarded from date of judicial demand until paid and for all costs of these proceedings;

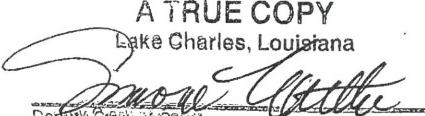
III. For full, general and equitable relief.

By her Attorney,


W. THOMAS BARRETT, III (20095)
3401 Ryan Street, Suite 307
Lake Charles, LA 70605
(337) 474-7311
tbarrett@tbarrettlawfirm.com
tbarrett@camtel.net

PLEASE SERVE DEFENDANT:

ACADEMY SPORTS AND OUTDOORS, INC.
Through its registered agent for service of process,
CORPORATION SERVICE COMPANY
450 Laurel Street, 8th Floor
Baton Rouge, LA 70801

12-22-23
A TRUE COPY
Lake Charles, Louisiana

Deanne G. Miller
Deputy Clerk of Court
Calcasieu Parish, Louisiana

LYNDI LYNEA VINCENT : 14TH JUDICIAL DISTRICT COURT
VS. NO. 2023-4553 B : PARISH OF CALCASIEU
ACADEMY SPORTS AND OUTDOORS, : STATE OF LOUISIANA
INC.

FILED: DEC 07 2023

Craig D Slaymon
DEPUTY CLERK

ORDER

CONSIDERING THE FOREGOING:

IT IS ORDERED that the discovery attached to the Petition be served simultaneously with the Petition, notwithstanding local rules.

THUS DONE AND SIGNED at Lake Charles, Louisiana, on the 13th day of December

, 2023.

S/ Clayton Davis
JUDGE, 14TH JUDICIAL DISTRICT

LYNDI LYNEA VINCENT : 14TH JUDICIAL DISTRICT COURT
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INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

NOW INTO COURT, through undersigned counsel, comes LYNDI LYNEA VINCENT, who requests that defendant, ACADEMY SPORTS AND OUTDOORS, INC., answer and produce under oath and in writing, in accordance with the Code of Civil Procedure, the following Interrogatories and Request for Production of Documents which is to be considered to be continuing in nature (which you are requested and required to supplement as new information is acquired), to be answered within thirty (30) days of services.

DEFINITIONS AND INSTRUCTIONS

- A. "You" and "your" shall refer to ACADEMY SPORTS AND OUTDOORS, INC., and/or any person acting on its behalf;
- B. "Accident" shall refer to the accident that involved LYNDI LYNEA VINCENT and occurred on or about October 13, 2023, at ACADEMY SPORTS AND OUTDOORS, INC. located at 2900 Derek Drive, Lake Charles, Louisiana;
- C. "Employed by you" shall refer to any person who is directly employed by ACADEMY SPORTS AND OUTDOORS, INC. as a payroll employee or who is indirectly employed by ACADEMY SPORTS AND OUTDOORS, INC. through a subcontractor or otherwise, as a statutory employee or a borrowed employee as defined by Louisiana law;
- D. "Store" shall refer to ACADEMY SPORTS AND OUTDOORS, INC. located at 2900 Derek Drive, Lake Charles, Louisiana;
- E. These Interrogatories will be deemed to be continuing until and during the course of trial and defendant is under a duty pursuant to the Rules of Civil Procedure to supplement any and all responses should any such responses be incorrect or incomplete or should any such responses become incorrect or incomplete in light of newly discovered information.

INTERROGATORY NUMBER 1:

Please provide a list of any and all employees working the date of this incident which was October 13, 2023, and include the persons address and telephone number and indicate whether the person is still employed.

INTERROGATORY NUMBER 2:

Please provide the legal name of the legal entity that operated this business on October 13, 2023, at 2900 Derek Drive, Lake Charles, Louisiana.

INTERROGATORY NUMBER 3:

Please provide the name of the person or legal entity that placed the shelf and wire shelf material located at 2900 Derek Drive, Lake Charles, Louisiana, on the shelf where this accident occurred.

INTERROGATORY NUMBER 4:

Please provide the current location of the shelf and wire shelf material which caused the accident on October 13, 2023.

INTERROGATORY NUMBER 5:

Please provide the name of the employee who was in charge of confirming that the wire shelf where this accident occurred, was properly secured to the frame.

REQUEST FOR PRODUCTION NO. 1:

Please produce all photographs of the shelf and wire shelf materials subject of this lawsuit.

REQUEST FOR PRODUCTION NO. 2:

Please produce any and all incident or accident reports together with any written statements of witnesses or Lyndi Lynea Vincent, regarding the accident on October 13, 2023, subject of this lawsuit.

REQUEST FOR PRODUCTION NO. 3

Please produce a copy of any and all video/surveillance recording of the area where the accident occurred for the day of the accident from the time one (1) hour before and after the accident. (Include any and all video angles).

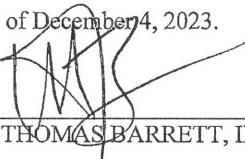
BY HER ATTORNEY,

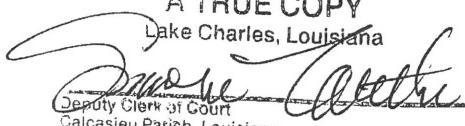

W. THOMAS BARRETT, III (20095)
3401 Ryan Street, Suite 307
Lake Charles, LA 70605
(337) 474-7311

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing pleading has this day been forwarded to all known counsel of record, by placing same in the United States Mail, postage prepaid and properly addressed.

Lake Charles, Louisiana this 4th day of December 4, 2023.


W. THOMAS BARRETT, III

12-22-23
A TRUE COPY
Lake Charles, Louisiana

Deputy Clerk of Court
Calcasieu Parish, Louisiana

2023-4553 B

LOUISIANA CIVIL CASE REPORTING
Civil Case Cover Sheet - LA. R.S. 13:4688 and
Part G, §13, Louisiana Supreme Court General Administrative Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption: *Indi Lynea Vincent vs.
Academy Sports and Outdoors, Inc.*

vs. FILED DEC 07 2023

Court: 14th JDC Docket Number: 2023-4553

Parish of Filing: Calcasieu Filing Date: DEC 07 2023

Name of Lead Petitioner's Attorney: W. Thomas Barrett, III

Name of Self-Represented Litigant: _____

Number of named petitioners: 1 Number of named defendants: 1

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

- | | |
|---|--|
| <input type="checkbox"/> Auto: Personal Injury | <input type="checkbox"/> Auto: Property Damage |
| <input type="checkbox"/> Auto: Wrongful Death | <input type="checkbox"/> Auto: Uninsured Motorist |
| <input type="checkbox"/> Asbestos: Property Damage | <input type="checkbox"/> Asbestos: Personal Injury/Death |
| <input type="checkbox"/> Product Liability | <input type="checkbox"/> Premise Liability |
| <input type="checkbox"/> Intentional Bodily Injury | <input type="checkbox"/> Intentional Property Damage |
| <input type="checkbox"/> Intentional Wrongful Death | <input type="checkbox"/> Unfair Business Practice |
| <input type="checkbox"/> Business Tort | <input type="checkbox"/> Fraud |
| <input type="checkbox"/> Defamation | <input type="checkbox"/> Professional Negligence |
| <input type="checkbox"/> Environmental Tort | <input type="checkbox"/> Medical Malpractice |
| <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Toxic Tort |
| <input type="checkbox"/> Legal Malpractice | <input type="checkbox"/> Other Tort (describe below) |
| <input type="checkbox"/> Other Professional Malpractice | <input type="checkbox"/> Redhibition |
| <input type="checkbox"/> Maritime | <input type="checkbox"/> Class action (nature of case) |
| <input type="checkbox"/> Wrongful Death | |
| <input type="checkbox"/> General Negligence | |

Please briefly describe the nature of the litigation in one sentence of additional detail:

*plaintiff place left hand on shelf to remove item,
The shelf adjusted & caused injury.*

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name Taylor Pugh Signature Taylor Pugh

Address 3601 Ryan St. Ste. 307 Lake Charles, LA 70605

Phone number: 414-7311 E-mail address: thgarrett@lawfirm@gmail.com

CALCASIEU CLERK-COST
DEC 07 2023 PM12:09:58